

REMARKS

In the Official Action mailed on **9 April 2007**, the Examiner reviewed claims 1-3, 5-10, and 12-14. Claims 1-3, 5, 6, 8-10, 12 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Thatte et al. (USPN 6,442,620 hereinafter “Thatte”), in view of Garcia et al. (USPN 6,778,990 hereinafter “Garcia”). Claims 7, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Thatte, in view of Garcia, and further in view of Gibbons et al (USPN 5,761,511, hereinafter “Gibbons”).

Rejections under 35 U.S.C. §103

Examiner rejected claims 1-3, 5, 6, 8-10, 12 and 13 as being unpatentable over Thatte, in view of Garcia, and claims 7 and 14 as being unpatentable over Thatte in view of Garcia, and further in view of Gibbons.

In the amendment filed February 23, 2007, Applicant avers that Thatte discloses an “extensible object **execution** environment” (see Thatte, col. 11, lines 9-22) while the present invention discloses a “software **design** environment” (see paragraph [0001] of the instant application), and that the two are fundamentally distinct. In Examiner’s response, Examiner has acknowledged that Thatte does **not** disclose a software design environment.

However, Examiner submits that Garcia does disclose a software design environment by citing lines 9-12 of column 1 of Garcia: “The present invention relates generally to object-oriented development of database applications...” Applicant respectfully disagrees with Examiner’s characterization of Garcia as disclosing a software design environment.

First, Garcia clearly discloses an **execution** environment. Here are just a few examples from Garcia indicating this:

- “A method for allowing **dynamic** component activation using a database...”
(Please see Garcia’s Abstract).

- “Database **application launched.**” (Please see item 1000 of Fig. 1 of Garcia).
- The field of invention relates “more specifically to **dynamic component activation** through the use of a database as a repository for registration.” (Please see lines 9-12 column 1 of Garcia).
- “This method comprises **launching the application**” (Please see line 49 of column 1 of Garcia), and
- “When the application needs to extend functionality **during run-time operation**, the method of dynamic component activation is used.” (Please see lines 45-47 of column 3 of Garcia).

Terms such as “dynamic,” “launched,” “dynamic component activation,” and “run-time operation,” clearly refer to execution-time rather than design-time concepts. For example, the launch of an application takes place at execution time. Note that all of the operations of Garcia (as in Fig. 1 of Garcia) take place after application launch. Applicant also respectfully submits that “run time” is synonymous with “execution time.”

Second, despite Garcia’s use of the word “factory,” **no new software is actually designed in Garcia.** In fact, the Factory Creation Function (FCF) of Garcia is used to “create and register factories for the objects contained in a dynamic library” (please see Garcia’s Abstract). Thus, these objects **already exist** in the dynamic library, and are in no sense “designed,” but merely instantiated and registered.

Applicant respectfully submits that Garcia’s subject is fundamentally different from the subject of the present invention. Thus, nothing within Thatte, Garcia, or Gibbons, either separately or in concert, suggests a software design environment. Therefore, Applicant respectfully submits that claims 1-3, 5, 6, 8-10, 12, and 13 are allowable as previously presented.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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